



U.S. Department
of Transportation

**Pipeline and
Hazardous Materials Safety
Administration**

400 Seventh Street, S.W.
Washington, D.C. 20590

DEC 1 2005

Mr. Ronald J. Stokes
ExxonMobil Chemical Company
P. O. Box 3140
Edison, NJ 08818

Reference No.: 05-0209

Dear Mr. Stokes:

This responds to your letter requesting clarification of the notification requirements in §178.2 of the Hazardous Materials Regulations (HMR; 49 CFR Part 171-180). Specifically, you ask if the notification requirements apply to bulk packagings such as rail tank cars, cargo tanks, portable tanks and containers.

The notification requirements in §178.2 apply to non-bulk packages and intermediate bulk containers (see § 178.801(b)). Paragraph (c) excepts cargo tanks as specifically provided in §§ 178.337-18 and 178.345-15. The current reference to § 178.345-10 in paragraph (c) is in error and should read § 178.345-15. Also, the reference to MC-338 cargo tank certification in § 178.338-19 is missing. We plan to correct both errors in a future rulemaking. Instead of the §178.2 notification requirements, the cargo tank specifications and the DOT UN and IM portable tank specifications require tank manufacturers to furnish a copy of the manufacturer's data report to the purchaser. Rail tank cars are not subject to the requirements in Part 178 but tank car manufacturers are required by § 179.1(f) to inform each person to whom the tank is transferred of any specification requirements that have not been met.

I trust this satisfies your inquiry.

Sincerely,

Hattie L. Mitchell
Chief, Regulatory Review and Reinvention
Office of Hazardous Materials Safety



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178.2(c)

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§178.2(c)
Applicability
05-0209

ExxonMobil
Chemical

September 6, 2005

U.S. Department of Transportation
Pipeline and Hazardous Materials Safety Admin (PHH-10)
400 7th Street, S.W.
Washington, DC 20590-0001

Attn: Mr. Edward T. Mazzullo, Director
Office of Hazardous Materials Standards

Ref: §178.2(c)

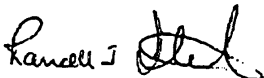
Dear Mr. Mazzullo:

Pursuant to the referenced paragraph, we are looking for guidance concerning the application of the notification requirement to bulk packaging. As structured, the requirement for a written notification from the manufacturer or subsequent distributor of a UN standard or DOT specification packaging must comply with this rule. While a reading of the whole section makes strong reference to non bulk packaging; it does not exclude bulk packagings. Since the providers of bulk packaging (rail tank cars, cargo tanks, portable tanks and containers) have not historically provided such notification, nor do they currently provide such written notification, how should we interpret and apply this requirement to bulk packagings?

Should there be any questions concerning this request, I may be contacted at the above address or contact numbers shown below.

Thanks for your help in this matter.

Sincerely,



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